

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JENNIE COURTNEY,  
AS ADMINISTRATRIX OF THE  
ESTATE OF DENNIS COURTNEY,  
DECEASED,**

**Plaintiff,**

**v.**

**ANTHONY CLARK, et al.,**

**Defendants.**

**CIVIL ACTION NO. : 2:06-CV-600-DRB**

**DEFENDANT DICKEY AND ASSOCIATES, INC.'S MOTION FOR SUMMARY  
JUDGMENT**

COMES NOW the Defendant, Dickey and Associates, Inc., and moves this Honorable Court as follows:

1. To enter, pursuant to Rule 56 of the Alabama Rules of Civil Procedure, an Order dismissing the Defendant with prejudice on the grounds that there is no genuine issue as to any material fact and the Defendant is entitled to a summary judgment as a matter of law.

2. The Defendant submits its motion for summary judgment upon the Affidavit of John W. Eiland (attached hereto as Ex. "A"); Dickey's Response to Plaintiff's Interrogatory No. 3, (attached hereto as Ex. "B"); the narrative summary of undisputed facts, the brief in support of motion for summary judgment, and the pleadings filed and discovery conducted in this case.

3. The Defendant requests that said order be entered as a final order in accordance with the terms and conditions of Ala. R. Civ. P. 54(b), as there is no just reason for delay.

Respectfully submitted this the 29<sup>th</sup> day of May, 2007.

*s/ Alan T. Hargrove, Jr.*  
*s/ R. Brett Garrett*  
Alan T. Hargrove (HAR236)  
R. Brett Garrett (GAR085)  
Attorneys for Defendant Dickey &  
Associates, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2007, I electronically filed the foregoing with the Clerk of the court using CM/ECF system which will send notification of such filing to the following:

Matthew Y. Beam, Esq.  
J. David Greene, Jr., Esq.  
Steven Keith Herndon, Esq.  
Britt V. Bethea, Esq.  
Daryl L. Masters, Esq.  
Will G. Phillips, Esq.  
Bert Pittman Taylor, Esq.  
Gary L. Willford, Jr., Esq.

I hereby certify that on May 29, 2007, I have served the foregoing by placing a copy of the same in the United States Mail, postage prepaid, upon:

Oscar Roy Doster (AIS # 177168)  
P.O. Box 150  
Mt. Meigs, Alabama 36057

James Darren Harnage (AIS # 239251)  
P.O. Box 150  
Mt. Meigs, Alabama 36057

*s/ R. Brett Garrett*  
OF COUNSEL